

**UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY**

CHRISTINE RAKE,
Plaintiff,

Index No.:

v.

COMPLAINT

ROBERT C. PEREZ, MD, KELLY HARCHUT, P.A., VIRTUA SURGICAL GROUP, VIRTUA HEALTHCARE COMPANY, VIRTUA MEMORIAL HOSPITAL, VIRTUA OUR LADY OF LOURDES HOSPITAL, OLUWAKEMI AWOPETU, M.D., CORINNE HORAN, D.O., SRUTI GOLTHI, D.O. LAWRENCE GREENWALD, M.D., JOHN DOES 1-10 and XYZ COMPANIES 1-50 (representing fictitious entities),
Defendants.

Plaintiff, CHRISTINE RAKE, complaining of the defendants, ROBERT C. PEREZ, M.D., KELLY HARCHUT P.A., VIRTUA SURGICAL GROUP, VIRTUA HEALTHCARE COMPANY, VIRTUA MEMORIAL HOSPITAL, VIRTUA OUR LADY OF LOURDES HOSPITAL, OLUWAKEMI AWOPETU, M.D. , CORINNE HORAN, D.O., SRUTI GOLTHI D.O. and LAWRENCE GREENWALD, M.D., JOHN DOES 1-10 and XYZ COMPANIES 1-50 by his attorneys, JAE LEE LAW, P.C. , respectfully alleges upon information and belief as follows:

COUNT I

1. At the time of the commencement of this action Plaintiff is and was a resident of Woodlynne, New Jersey.

2. This cause of action arises from a surgical procedure performed by Robert C. Perez, M.D. and assisted by Kelly Harchut, P.A. at Virtua Memorial Hospital located at 175 Madison Avenue, Mount Holly, NJ 08060 on March 14, 2019 and the subsequent mismanagement of care and treatment which constituted medical negligence by the defendants Virtua Surgical Group, Virtua Healthcare Company, Virtua Memorial Hospital, Virtua Our Lady of Lourdes Hospital, Dr. Robert C. Perez, M.D., Kelly Harchut, P.A., Oluwakemi Awopetu, M.D., Lawrence Greenwald, M.D. Corinne Horan, D.O., Sruti Golthi, D.O. from March 14, 2019 through March 16, 2019 resulting in the plaintiff suffering serious and permanent injuries, specifically pain, renal failure, stroke and permanent loss of vision, diminished quality of life, extreme pain and discomfort, mental and emotional anguish, deprivation of dignity, substantial costs and expenses for medical care and treatment and permanent loss of function and disability.
3. The treatment rendered by the aforementioned licensed medical professionals as negligent, both individually and jointly in that they failed to exercise and/or possess that degree of skill, care and knowledge ordinarily exercised or possessed by other licensed medical professionals in the geographical region of New Jersey or the same or similar localities. The negligence included but was not limited to failure safely and properly perform the surgical procedure, failure to diagnosis; failure to timely become aware of the failed surgical procedure, failure to use such care as a reasonable prudent and careful health care provider would have used under similar circumstances, failure to utilize competent and appropriate treatment, failure to administer treatment competently, failure to adequately and completely inform the plaintiff of the risks of harm and danger to her

person, so as to allow her to intelligently consent to the operative procedure and other such conduct as may be discovered.

4. The cause of action against Virtua Our Lady of Lourdes rendered by the aforementioned licensed medical professionals was negligent both individually and joint in that they failed to timely treat; failed to properly diagnosis, failed to exercise and/or possess that degree of skill, care and knowledge ordinarily exercised or possessed by other licensed medical professionals in the geographical region of New Jersey or the same or similar localities.
5. As a direct and proximate result of the negligence of the defendants, the plaintiff has suffered severe and permanent injuries, suffered and will continue to suffer great pain, mental and physical anguish, was required to undergo medical treatment and suffer medical expenses for treatment for her injuries, loss of her job and ability for future employment all to her detriment.

WHEREFORE, Plaintiff, Christine Rake, demands judgment for damages against ROBERT C. PEREZ, M.D., KELLY HARCHUT P.A., VIRTUA SURGICAL GROUP, VIRTUA HEALTHCARE COMPANY, VIRTUA MEMORIAL HOSPITAL, VIRTUA OUR LADY OF LOURDES HOSPITAL, OLUWAKEMI AWOPETU, M.D. , CORINNE HORAN, D.O., SRUTI GOLTHI D.O. and LAWRENCE GREENWALD, M.D., JOHN DOES 1-10 and XYZ COMPANIES 1-50, individually, jointly, severally, or in the alternative, together with attorney's fees, interest and costs of suit and any such other relief as this court may deem necessary and proper.

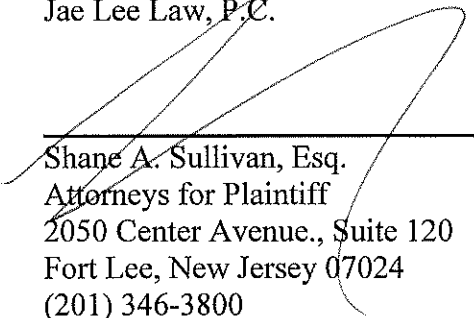
COUNT II: VIOLATION OF EMTALA LAWS

6. Plaintiff, Christine Rake, hereby incorporates each and every allegation contained in paragraphs 1-5 of this Complaint as if set forth at length herein.
7. During all times mentioned herein Defendant Virtua Our Lady of Lourdes Hospital was required to comply with Federal EMTALA laws (42 U.S. Code. Sect. 1395, et. Seq.).
8. On or about said dates, specifically March 16, 2019 Defendant, Virtua Our Lady of Lourdes Hospital violated EMTALA in their negligent refusal to treat the Plaintiff, in discharging the Plaintiff and in waiting for a negligent amount of time while the Plaintiff was in critical condition to transfer the Plaintiff to Virtua Memorial Hospital to provide life-saving surgery. Further, they failed to stabilize the Plaintiff in violation of 42 U.S.C. 1395 dd(b) and in transferring the Plaintiff while in an emergency condition having not stabilized her in violation for 42 U.S.C. 1395 dd(c) and for all other violations that will be discovered.
9. As a proximate result of the delays caused by the unlawful transfer and refusal to treat, Plaintiff suffered permanent and lasting damage which resulted in a stroke and permanent vision loss, suffer great pain, mental and physical anguish, was required to undergo medical treatment and suffer medical expenses for treatment for her injuries, loss of her job and ability for future employment all to her detriment.

10. **WHEREFORE**, Plaintiff, Christine Rake, demands judgment for damages against ROBERT C. PEREZ, M.D., KELLY HARCHUT P.A., VIRTUA SURGICAL GROUP, VIRTUA HEALTHCARE COMPANY, VIRTUA MEMORIAL HOSPITAL, VIRTUA OUR LADY OF LOURDES HOSPITAL, OLUWAKEMI AWOPETU, M.D. , CORINNE HORAN, D.O., SRUTI GOLTHI D.O. and LAWRENCE GREENWALD, M.D., JOHN DOES 1-10 and XYZ COMPANIES 1-50, individually, jointly, severally, or in the alternative, together with attorney's fees, interest and costs of suit and any such other relief as this court may deem necessary and proper.

Dated: March 8, 2021

Jae Lee Law, P.C.



Shane A. Sullivan, Esq.
Attorneys for Plaintiff
2050 Center Avenue., Suite 120
Fort Lee, New Jersey 07024
(201) 346-3800
Attorney ID: 021442012

To: Robert C. Perez, M.D.
Virtua Surgical Group – Hainesport
212 Creek Crossing Boulevard
Hainesport, NJ 08036

Kelly Harchut, P.A.
Virtua Surgical Group – Voorhees
200 Bowman Drive, Suite E355
Voorhees, NJ 08043

Virtua Surgical Group Hainesport
212 Creek Crossing Boulevard
Hainesport, NJ 08036

Virtua Healthcare Company
Virtua Corporate Office
303 Lippincott Drive
Marlton, NJ 08053

Virtua Memorial Hospital
175 Madison Avenue
Mount Holly, NJ 08060

Virtua Our Lady of Lourdes
1600 Haddon Avenue
Camden, NJ 08103

Oluwakemi Awopetu, M.D.
1600 Haddon Avenue
Camden, NJ 08103

Corinne Horan, D.O.
1505 W. Sherman Avenue
Vineland, NJ 08360

Sruti Golthi, D.O.
Rowansom Department of Gastroenterology
42 E. Laurel Road
Stratford, NJ 08084

Lawrence Greenwald, M.D.
Virtua Surgical Group – Haddon Heights
120 White Horse Pike, Suite 103